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April 12, 2022

BY CM/ECF & HAND DELIVERY

The Honorable Maryellen Noreika
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Adams v. Carney*, C.A. No. 20-1680-MN

Dear Judge Noreika:

I write on behalf of the parties in this action to inform the Court that the parties have agreed not to seek any discovery in connection with the pending motion to dismiss prior to the resolution of the motion.

Following the entry of the Court's order of Thursday, April 7, 2022 (D.I. 40), counsel for the Plaintiff contacted me and indicated that Plaintiff would seek leave of Court to pursue several depositions if the Defendant was proceeding with discovery of Plaintiff pursuant to the Court's order. In order to avoid further motion practice and potential disputes over the scope of discovery, the parties have agreed that neither side will take discovery in connection with the pending motion to dismiss. We thought we should inform the Court of this agreement.

From the Defendant's perspective this was agreeable, notwithstanding the Court's order, because in his Opening Brief the Defendant requested discovery only if the Plaintiff came forward with evidence on the standing issue in his Answering Brief, which Plaintiff did not do. (D.I. 35 at 3). Consequently, Defendant is content to have the motion resolved on the existing record.

If the Court has any questions of us, we will make ourselves available at the convenience of the Court.

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Respectfully submitted,

/s/ David C. McBride

David C. McBride (No. 408)

cc: Clerk of Court (via CM/ECF and hand delivery)
David L. Finger (via CM/ECF and email)